

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2195**

54th Legislature  
1996 Regular Session

Passed by the House February 2, 1996  
Yeas 91 Nays 3

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**Speaker of the  
House of Representatives**

Passed by the Senate February 28, 1996  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2195** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2195**

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Passed Legislature - 1996 Regular Session

**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Blanton, Quall, Sheldon and Costa; by request of Department of Corrections)

Read first time 01/19/96.

1       AN ACT Relating to intercepting, recording, or divulging monitored  
2 inmate conversations; amending RCW 9.73.095; creating a new section;  
3 repealing RCW 9.73.145; providing an effective date; and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       **Sec. 1.** RCW 9.73.095 and 1989 c 271 s 210 are each amended to read  
7 as follows:

8       (1) RCW 9.73.030 through 9.73.080 shall not apply to employees of  
9 the department of corrections in the following instances:  
10 Intercepting, recording, or divulging any telephone calls from an  
11 inmate or resident of a state correctional facility; or intercepting,  
12 recording, or divulging any monitored nontelephonic conversations in  
13 inmate living units, cells, rooms, dormitories, and common spaces where  
14 inmates may be present. For the purposes of this section, "state  
15 correctional facility" means a facility that is under the control and  
16 authority of the department of corrections, and used for the  
17 incarceration, treatment, or rehabilitation of convicted felons.

18       (2) All personal calls made by inmates shall be collect calls only.  
19 The calls will be "operator announcement" type calls. The operator

1 shall notify the receiver of the call that the call is coming from a  
2 prison inmate, and that it will be recorded and may be monitored.

3 (3) The department of corrections shall adhere to the following  
4 procedures and restrictions when intercepting, recording, or divulging  
5 any telephone calls from an inmate or resident of a state correctional  
6 facility as provided for by this section. The department shall also  
7 adhere to the following procedures and restrictions when intercepting,  
8 recording, or divulging any monitored nontelephonic conversations in  
9 inmate living units, cells, rooms, dormitories, and common spaces where  
10 inmates may be present:

11 (~~(a)~~) (~~Before the implementation of this section, all inmates or~~  
12 ~~residents of a state correctional facility shall be notified in writing~~  
13 ~~that, as of May 7, 1989, their telephone conversations may be~~  
14 ~~intercepted, recorded, and/or divulged.~~

15 (~~(b)~~) Unless otherwise provided for in this section, after  
16 intercepting or recording (~~(a telephone)~~) any conversation, only the  
17 superintendent and his or her designee shall have access to that  
18 recording.

19 (~~(c)~~) (~~(b)~~) The contents of (~~(an)~~) any intercepted and recorded  
20 (~~(telephone)~~) conversation shall be divulged only as is necessary to  
21 safeguard the orderly operation of the correctional facility, in  
22 response to a court order, or in the prosecution or investigation of  
23 any crime.

24 (~~(d)~~) (~~(c)~~) All (~~(telephone)~~) conversations that are recorded under  
25 this section, unless being used in the ongoing investigation or  
26 prosecution of a crime, or as is necessary to assure the orderly  
27 operation of the correctional facility, shall be destroyed one year  
28 after the intercepting and recording.

29 (4) So as to safeguard the sanctity of the attorney-client  
30 privilege, the department of corrections shall not intercept, record,  
31 or divulge any conversation between an inmate or resident and an  
32 attorney. The department shall develop policies and procedures to  
33 implement this section.

34 (5) The department shall notify in writing all inmates, residents,  
35 and personnel of state correctional facilities that their nontelephonic  
36 conversations may be intercepted, recorded, or divulged in accordance  
37 with the provisions of this section.

38 (6) The department shall notify all visitors to state correctional  
39 facilities who may enter inmate living units, cells, rooms,

1 dormitories, or common spaces where inmates may be present, that their  
2 conversations may intercepted, recorded, or divulged in accordance with  
3 the provisions of this section. The notice required under this  
4 subsection shall be accomplished through a means no less conspicuous  
5 than a general posting in a location likely to be seen by visitors  
6 entering the facility.

7 NEW SECTION. **Sec. 2.** The department shall provide the  
8 notification required under RCW 9.73.095(5) to all current inmates,  
9 residents, and personnel no later than May 1, 1996. Posting of the  
10 notification to visitors required under RCW 9.73.095(6) shall be in  
11 place no later than July 1, 1996.

12 NEW SECTION. **Sec. 3.** RCW 9.73.145 and 1989 c 31 s 1 are each  
13 repealed.

14 NEW SECTION. **Sec. 4.** (1) Sections 1 and 3 of this act shall take  
15 effect August 1, 1996.

16 (2) Section 2 of this act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and shall take  
19 effect immediately.

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